

Remarks/Arguments

Claims 1-17 are pending in this application. Claims 1-17 are subject to restriction and/or election requirement.

Restriction to one of the following Groups is required under 35 U.S.C. 121:

I. Claims 1-13 drawn to products of the formula (I), classified in various subclasses of classes 514, 544, 546, 548 and 549.

II. Claims 14-17 drawn to methods of use for the products of the formula (I), classified in various subclasses of class 514.

The Examiner has indicated that, where election of any one of Groups I-II is made, "an election of a single compound is further required including an exact definition of each substitution on the base molecule (Formula (I)), wherein a single member at each substituent group or moiety is selected".

Applicant hereby elects the invention of Group I for further prosecution in this case. Applicant further elects compound number 3, i.e., 3-[[4-(4-chlorophenyl)-2-thiazolyl]methoxy]-N-cyclopentyl-benzenemethanamine, as the single compound. The structural formula for compound number 3 is shown on page 6 of the specification wherein $R_1=Cl$, $a=3$, and $R_3=cyclopentyl$. This election is made with traverse.

The inventions of Groups I and II are related as product and process of use. The Examiner has concluded that the "product as claimed can be used in a materially different process of using that product as can be seen by the instant specification, i.e. for the treatment of Alzheimer's disease or rheumatoid arthritis".

The claims of Group I are drawn to compounds of formula (I) while the claims of Group II are drawn to methods of treatment using the compounds of formula (I). Although the claimed compounds can be used to treat Alzheimer's disease or rheumatoid arthritis, as indicated by the Examiner, it is submitted that this is not a sufficient reason for not examining all of the claims in the same application. A complete search of the defined areas would not impose a serious burden on the Examiner in the examination of this application since both Groups are classified in various subclasses of the same class, i.e. class 514. It is preferable, therefore, to include the claimed compounds and the method of using said compounds in the same application.

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Reconsideration of the requirement for restriction is courteously requested.

Respectfully submitted,

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